

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of :  
Jacques DUMAS et al. :  
Serial No.: 09/776,935 : Group Art Unit: 1617  
Filed: December 22, 1998 : Examiner: WILLIAMS, Leonard M.  
For: INHIBITION OF p38 KINASE USING ARYL AND HETEROARYL  
SUBSTITUTED HETEROCYCLIC UREAS

**REPLY BRIEF**

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Examiner's Answer dated March 20, 2007, please consider the following.

This Reply Brief is limited to specific allegations made in the Examiner's Answer and does not restate the arguments from the Appeal Brief, which arguments are preserved to their full extent by applicants.

The Examiner's Answer makes various allegations regarding the data in the application. For example, on page 9, second paragraph, lines 3-4, it is alleged that "There is no mention of activity data for any of the compounds of Tables 1 and 2;" on page 10, bottom part of first paragraph, it is alleged that "Tables 1 and 2 are clearly just disclosing some compounds that have been synthesized. There is no specific indication in the specification that the compounds are the ones tested in the assays;" on page 11, last paragraph, it is alleged that "The applicant's referral to 'all compounds exemplified' does not clearly limit what compounds were tested."

There is no basis for the allegations regarding the data. The specification is clear that the compounds of Tables 1 and 2 have been synthesized and are the exemplified compounds. The section identified as "EXAMPLES" starts at the top of page 27 of the specification and

sets forth general preparation methods up to page 40, and continues thereafter with Tables 1 and 2, which are indicated to contain compounds “synthesized according to the General Methods.” See top of page 40. Tables 1 and 2 are clearly in the section labeled “EXAMPLES” and one of ordinary skill in the art, even absent such a heading, would understand that compounds identified as synthesized in a patent application are examples within the scope of the invention described in the specification and have IC50 values within the desired range. Thus, one of ordinary skill in the art when reading on page 44, the “BIOLOGICAL EXAMPLES” section would understand the reference to “all compounds exemplified” to refer to the exemplified compounds, which appear in Tables 1 and 2.

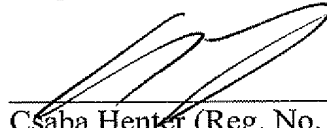
The Office Action on page 13, first paragraph, alleges that the 38 compounds in the tables have only 2 distinct cores. The Office Action defines the cores in said section generically. However, such an oversimplification of the nature/variety of exemplified compounds is not warranted. Applicants urge a review of the actual compounds depicted in said tables, the variety of substitutions exemplified, including various bridging groups between aromatic rings, etc. Moreover, as discussed in the Appeal Brief, examples are not required to enable an invention.

The Office Action also alleges regarding claim 17 that it is “exceptionally broad and encompass nearly any urea with at least one substituted heteroaryl moiety appended to it.” Claim 17 has a urea group to which groups A and B are attached. The options for group A are one of three specific groups with a common substitution at a common corresponding location. The options for group B are somewhat broader than for group A, but still finite. Thus, the allegation regarding the scope of the compounds of claim 17 is a clear overstatement of the nature of the compounds in said claim. As described in the Appeal Brief, breadth is not equal to non-enablement. There is not even a shred of evidence that any compound within the scope of the claims cannot be made or used or will not be effective.

The Office Action on page 9, first paragraph, alleges that “up to 100 million different compound embodiments are encompassed. Further the guidance of the specification discloses 38 of the possible 100 million compounds.” Applicants submit that there is no support for the allegation. Nothing in the record indicates how the 100 million number was achieved/calculated by the Examiner or that any of the compounds within this group cannot be made or used without undue experimentation.

Reconsideration is respectfully requested.

Respectfully submitted,



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